

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

MARK A. GRETHEN, #1174620,	:	
	:	
Petitioner,	:	
	:	
v.	:	ACTION NO. 2:13cv698
	:	
HAROLD W. CLARKE, Director,	:	
Virginia Department of Corrections,	:	
	:	
Respondent.	:	

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges that as a result of a disciplinary hearing on April 5, 2011 at Greensville Correction Center, petitioner received a penalty of 90 days loss of accumulated good time for violation of Offense Code 119c.

The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed June 16, 2014 recommends dismissal of the petition, as well as denial and dismissal of various other motions filed by the petitioner (ECF Nos. 19-23, 25-28). Each party was advised of his right to file written objections to the findings and recommendations made by the

Magistrate Judge. On July 3, 2014 the Court received petitioner's Objections to the Report and Recommendation. The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed June 16, 2014. It is, therefore, ORDERED that respondent's Motion to Dismiss be GRANTED and the petitioner's petition be DENIED and DISMISSED with prejudice. It is further Ordered that petitioner's Motion for Extension of Time (ECF No. 20), Motion to Appoint Counsel (ECF No. 21), Motion for Evidentiary Hearing (ECF No. 22), Motion for Contempt (ECF No. 23), Motions to Strike (ECF Nos. 25, 26), Motion for Contempt (ECF No. 27) and Motion for Discovery (ECF No. 28) are DENIED. The petitioner's Motion for Injunctive Relief (ECF No. 19) is DISMISSED without prejudice.¹

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

¹ Grethen's Motion for Injunctive Relief seeks relief unavailable in this habeas action. He has also filed a separate claim for relief under 42 U.S.C. § 1983.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.

/s/
REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

July 18, 2014